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December 6, 2022

**VIA ECF**

Honorable Ona T. Wang  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: Adam Potter v. Beacon Intercontinental Group, Inc., et al., No. 1:20-cv-04599-JGK-OTW**

Dear Judge Wang:

I write jointly on behalf of our client, Plaintiff/Counterclaim Defendant Adam Potter (“Potter”), and Defendants/Counterclaim Plaintiffs Beacon Intercontinental Group, Inc. (“Beacon”) and Business Insurance Holdings, Inc. (“BIH,” with Beacon, “Defendants”), to submit an agenda for the in-person status conference scheduled for December 13, 2022 at 2:30 p.m. ECF No. 121.

**AGENDA**

1. **Initial discovery disputes raised by Potter.** ECF Nos. 119, 120.
  - a. The depositions of Defendants’ corporate representative(s).
  - b. Information exchanged with Beacon’s lender for the underlying transaction, and the lender’s owner, concerning BIH, Potter, and the loan transaction.
  - c. Defendants’ Attorneys’ Eyes Only designation of deposition testimony concerning the loan transaction and related documents.
2. **Defendants’ Unopposed Request for Leave to Amend their Second Amended Answer, Affirmative Defenses, and Counterclaim.** ECF Nos. 122, 123.

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**3. Additional discovery disputes raised by Potter.**

- a. The status of Defendants' search for and supplemental production of (i) financial documents and (ii) documents and communications concerning meeting minutes/agendas.
- b. Potter's request for information supporting his veil-piercing theory of liability.
- c. Potter's request for information concerning allegations in Defendants' counterclaim, including supplemental/revised allegations in Defendants' proposed third amended counterclaim.
- d. Potter's request for Defendants' tax returns.
- e. Potter's request for information concerning Defendants' efforts to mitigate their alleged damages.
- f. Defendants' identified custodians/custodial files.

**4. Resetting pre-trial deadlines, including the fact discovery deadline. ECF No. 121.**

Sincerely,

John A. Wait

JAW

cc: All counsel of record (*via* ECF)